

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-83**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 10/04/2017	NEED RESPONSE BY: 10/18/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: San Bernardino County	
3. PHONE NO.: EMAIL:		7. SUBJECT: Oil and Gas Royalties	
4. REGULATION CITE(S): 63-502.146		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). 63-502.146	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

CalFresh customer has property in Canada, she receives a royalty check monthly from TORC Oil and Gas. (Unearned income in CalFresh)

The gross amount of the payment is \$811.42 (Canadian Dollars)
Canada deducts a non-residential tax fee of \$211.02(Canadian Dollars)
Check received was \$600.42 (Canadian dollars)
When deposited, the amount after conversion to US dollars is \$459.30.

Do we use the gross amount of \$811.42 and convert to US Dollars to determine the gross amount of income to be used in the budget? Do we allow the non-resident tax deduction?

10. REQUESTOR'S PROPOSED ANSWER:

Use gross amount received and convert to US dollars. Do not allow the non-resident tax as a deduction.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CDSS agrees with the proposed answer based on the provided scenario.

Under federal regulations at CFR section 273.9(c) and 273.9(d) the recipient's gas and oil royalty check is considered income, not excluded, and is subject to gross income eligibility standards and the non-residential tax fee is not an allowable income deduction. Therefore, CWD is to determine eligibility of household based first on the maximum gross income, including recipient's gross gas and oil royalty payment amount.

FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

10/13/2017